# THE RAILWAY TITANS.

Fisk and Gould Against Cornelius Vanderbilt.

Settling Up a Little Difficulty About Five Million Dollars.

Daniel Drew's Narrative of the Transaction.

The Average Ups and Downs of Erie Stock.

Interesting Testimony and Discussions by Counsel.

SUPREME COURT-SPECIAL TERM.

Before Judge Barnard. The Eric Rallway Company vs. Cornelius Vander between the Court and counse; this case came on for Judge Barnard, the court room being crowded to the

doors by an audience a large portion of which consisted of wealthy and influential citizens. Messrs. David Dudley Field and Dudley Field appeared for plaintiffs and Messrs. H. F. Clark, William A. Beach, Hon. Noan Davis, John E. Burrill and C. A. Rapallo for the defendant.

Mr. Field, in presenting the case to the court, said:—When this case was called a week ago I made an opening, and it is not necessary for me to reca-pitulate the facts now. It is a suit brought by the Erie Railway Company against Mr. Vanderblit to recover a large sum of money which he is alleged to defendant has put in an answer, most of which consists in controverting the complaint, without any affirmative allegation. It states that he has not knowledge or information sufficient to form a belief.
The only issue of an allegation positive is that he received this money for a good and valid considera-tion. What that was he does not say. We have examined Mr. Vanderbilt before trial and I will begin with reading his testimony.

Mr. Rapallo—We here make a formal motion to

settled? A. I think the litigations were settled the 2d of July.

Q. When you bought the stock of course you had not anything in your mind about the settlement of the litigations? A. No; I did not know anything about when they would be settled then.

Q. Of course your purchase was without any reference to any settlement of litigations? A. I did not know there would be any settlement then.

Q. Then you supposed the litigations would go on? A. Well, I don't know.

Q. You expected to use the 50,000 shares of stock?

A. I expected to keep them.

Q. And let the litigation go on? A. There were no litigations then; I never neard of any settlement of any litigation until the day before they were settled. any litigation until the day before they were settled.

Q. When you agreed to buy the stock you agreed to buy it without any reference to any settlement, and you bought it to hold, whether there was a settlement or not? A. Yes.

Q. When you made this purchase did you have any conversation with any officer of the company about it? A. I don't think I had.

Q. Do you say that in your negotiations with Vanderbils nothing was said about a settlement of the hitigations? A. Not one word.

Q. During part of that winter were you not residing in Jersey City? A. Yes.

Q. Did you not occasionally visit the Commodore in New York? A. Well, two or three times.

Q. Go on and tell us what you came there for. A. Weil, I called on the Commodore two or three times, he always told me that I acted very foolishly in going to Jersey City; that I never ought to have left my nome or left this city.

Q. Did you come over to see him that he might tell you that? A. I came over and called on him.

Q. What did you call on him for? A. Mon't know that I could tell you exactly; merely called to see him. dismiss this complaint on the ground that it does not state facts sufficient to constitute a cause of Judge Barnard-I will overrule the motion and give

you an exception.

Mr. Field then proceeded to read the examination

of Mr. Vanderbilt, which has already appeared cer-

Mr. Field then called as first witness Alexander Allaire, who testified that he is the paying teller of the Manhattan Company and was so in July 1868; the two checks now shown me I paid; paid them out of the money of the Eric Company; the name written across those checks is mine; that is the mode in which the Manhattan Company certifies its checks. Cross-examined by Mr. Clark—I can have access

to the accounts of the Manhattan Company from February, 1868, down to the time when these checks were paid; I don't know how the Eric Company got this money; there are not in the accounts of the source from whence the money came that I know of; have no knowledge of my own as to how the Eric Company got into the bank this money which I paid on these checks; the account continues to be kept there still; I don't know whether the account swelled in its proportions about the month of March,

Q. Do you remember about the time some 50 000 shares of alleged fictitious stock of the Eric Rallway Company was issued? A. I do not. Q. Was the account a very heavy one? A. Yes, it

was at that time, but it is very light now.

Q. Were these checks of unusual magnitude that were drawn by the Bric Railway Company? A. Pretty large.

Q. Supposing a deposit of unusual magnitude were made in the Manhattan Company—say two or three on the books of the receiving teller of the source from whence it came? A. A ticket would be given with the deposit, and that might tell whether it was with the deposit, and that might ten whether it was notes or checks, but whether they would tell where the money comes from I don't know; the name of the receiving teller of the Manhattan Company is J. Theodore Baldwin; John S. Harberger is the cashier.

J. D. Rick was next examined by Mr. Field. He testified that he is a broker and a member of the the 11th of July, 1868, the market price of Erie was

about 73.

Oross-examined by Mr. Clark—I have the book containing the rates of Eric Railway stock, beginning as far back as February, 1865; on the list of February, 1865; the price was 74%; for a sale at the Exchange; from the 1st of March I think it ranged from 70 to 75; 1 am not certain about that; think it ranged from about 67 to 75 between the 1st of February and the 1st of March; on the 9th of March the highest price was \$1%; by refreshing my recollection I see it reached \$2\% on the 9th of March, between half-past fen and twelve o'clock; on that day I see by the second call it fell to 74\%, which is the lowest quotation by our iss.

Q. Was that an unusal fall? A. Not for Eric stock. (Laughter.) It fluctuated very widely at that time.

stock. (Laughter.) It fluctuated very widely at that time.

Q. What was the greatest fluctuation at that time?

A. From two to four per cent.

Mr. Field here rested his case.

Mr. Beach moved to dismiss the complaint on the ground that no cause of action was established for the plaintiffs as against the defendants. Second, upon the ground that the combination and conspiracy and fraud of the Erie Railroad Company charged in the complaint was not proven; and third, that if the purchase of this stock by Commodore Vanderbilt was really on behalf of the Erie Railroad corporation an action could not be maintained against the defendant to set aside that transaction. ansaction.

Mr. Clark then ably reviewed the gravamen of

the complaint, and concluded by pressing as and tion.

Mr. David Dudley Field followed briefly on the other side, contending that the piaintills had made out a clear case of fraud, &c.

Mr. Rapalio next spoke at some length on behalf of the defendant, controverting the views propounded by Mr. Field.

After a reply by Mr. Field,

Ex-Judge Noat Davis, on behalf of the defendant, made an enaborate argument, in which he showed that Mr. Vanderbilt was clearly innocent of fraud or collusion with the Erie Company in the transaction at issue.

O. Did you ever have any other interviews with nim about the litigations of the Eric company?

A. No.

Q. Teil us how your contract got out of your hands. A. Mr. Eidridge was reinstated in the board, as I understand, and he came to me and wanted to know if I had bought that stock. I toid nim I had. "Well," he says, "do you care anything about having it?" I toid him I had bought it, and supposed I was going to have it, of course; "Well," says he, "can you get off honorably with the Commodore? Do you care anything about having it?" I toid him I did not know as I did exactly; I toid him I had given my word to the Commodore, and, of course, he must be astaffed; he then said he would see the Commodore; I went down next morning to the Commodore and there I found Mr. Eidridge and Mr. Gould; they were in conversation with the Commodore as I understood; I did not hear what was said between them; Mr. Eidridge, after a few moments, came out of the back room, where he was, and I asked him if he had been talking with the Commodore anything about this stock—whether the Commodore was willing to release me; he said he knowld if I would consent to it; he then went back into the room and I think Mr. Banker was called back in the room, and they were there together, and after three or four or five minutes they came out and said they had bought his stock; I never knew what the contract was that they had made with the Commodore ill I saw his testimony the other day; I never knew they paid him on a "call;" all I knew was, there was a rumor that they had bought the stock; I never knew they paid him on a "call;" all I knew was, there was a rumor that they had bought the stock; I never knew they paid him on a "call;" all I knew was, there was a rumor that they had bought the stock you had nothing to do with the stock, but I must be got off honorably.

Q. After Eidridge came out and told you they had bought the stock you had nothing to do with the stock. Out abandoned all connection with the transaction then? A. Yes, I saw the Commodore

made an elaborate argument, in when he showed that Mr. Vanderbilt was clearly innocent of fraud or collusion with the Eric Company in the transaction at issue.

Judge Barnard said that the only theory on which this case could come into court was that there was collusion, fraud and conspiracy on the part of the former directors of the road with Mr. Vanderbilt. There was no such proof here, however, and unless there was more evidence on behalf of the plaintiffs he should declare the complaint dismissed.

Mr. Fleid—Well, sir, I will proceed, then, with the evidence. I will call Mr. Drew.

Mr. Clarke—la it right that the counsel should rest his case, speculating on the chances of what the Court might rule, in a great case like this? Mr. Drew is in court, and to guard against any mistake attachments were issued against the witnesses; and then upon a mere technical point an experiment is practised to see if the Court will entertain a suit upon these grounds. I say it is not consistent with decorum that such an experiment should be successful. Mr. Drew was in court at the time the learned gentleman rested his case. He knew he was here, lie knew he had counted upon fraud, and he had witnesses in court to prove that fraud if he could.

Mr. Fleid—My monive was to save the time of the Court as much as possible. If we are right in our view, according to the judgment of the Court, we should be spared any further testimony, I stated at the time that we rested for the present; I particularly stated that. It is precisely like a demurrer. It is a position of things in which we wished to shorten the case.

Judge Harnard—Your right, Mr. Field, to that is inquestioned.

tion then? A. Yes, I saw the Commodore after they went away.

Q. What was Banker there for? A. I don't know.

Q. Tell us the conversation you had with the Commodore when they had gone away? A. I asked the Commodore of Eldridge had spoken to him about letting me off; he said he had; says he, "I have sold my stock to these people," but he did not tell me what the contract was, nor I never knew it till I saw his testimony.

Q. From that time your connection with the transaction ceased? A. Yes.

Q. You were then treasurer of the company? A. Yes. Let me think a minute; I resigned the loth of July. Mr. Field -Very well; I will proceed. Mr. Drew, will you take the stand

will you take the stand?

EXAMINATION OF DANIEL DREW.

Examined by Mr. Field—Q. Mr. Drew. Were you on the 1st of July, 1808, an officer of the Eric Railway Company? A. Yes, sir, I was on the 1st of July.

Q. What officer? A. I was director and treasurer.

Q. Had there been, previous to that time, a series of lingations respecting that company? A. Yes, sir, there had.

nere had.

Q. Did you at any time have a negotiation with the effendant, Vanderblit, respecting the settlement of fendant, Vanderblit, respecting the settlement of see linguitons? A. No. A. Did you have any negotiation with him about any master whatever? (Objected to.)

Q. Did you have any negotiation with Mr. Vander-bilt in July, 1868, about the purchase of stock of the

Eric Company? A. No, sir, not in July; had no ne-gotiation with the Commodore, I think, in July at all about stock.

Q. You did not buy of him 50,000 shares of Erie stock? A. Yes; but I did not buy it in July.

Q. When, then, did you buy is? A. I think in the last week in June.

Q. State the transaction? A. Well, sir, I told him I would buy 30,000 shares of his stock if he would consent to hold the other stock he nad, and I understood him to say ne would, and I bought the stock on that condition.

other stock.

Q. Did you pay or agree to pay him anything for his other stock? A. None at all.

Q. Are you sure of that? A. Oh, yes.

Q. How much other stock was he to hold? A. Fifty

Q. You, then, got from him an agreement to hold this other 50,000? A. I got his word. Q. That was to hold it for no definite time? A. He was not to sell it, as I understood, unless with my

Q. Did not you pay him something for giving you that option? A. Not a dollar.

that option? A. Not a dollar.
Q. Did not you agree to give him something?
A. Not before I paid him over the market price for the stock.
Q. How much over the market price did you pay?
A. I think the stock at that time was between 70 and 80; it was over 70.
Q. At that time were the litigations settled?
A. No, sir.
Q. How long was it before the litigations.

Q. But you spoke of it. Q. When you bought it for yourself? A. I did.
Q. Did you pay for it yourself? A. The Commodore agreed to carry it for me, I think, for thirty or norty days, and then I was to take it up and pay

nim for it.
Q. Did you take it up? A. No, sir.
Q. How came you to give him ten per cent more for the stock than it was seiling for in the market?
A. Weil, the reason of that was, I suppose, that by buying that stock and his keeping his stock I should get control of that road some time or another. That was in my mind; that was the reason I did it.
Q. Was that in his mind? A. I don't know that it was: perhaps it was:

was; perhaps it was.

Q. Did not you and he talk between yourselves about the object of your making the purchase? A. I told min! I would give him that amount of money for that stock if he would keep his; he said he would.

Q. Tell us whether you and the Commodore had any conversation about your motive in buying this slock. A. Nothing more than I have stated; I went down to his house for the purpose; I made up my mind to buy that amount of stock if he would keep his; this was after Eldridge—understand—was suspended; he then made this proposition and I acceded to it; my motive was that he was to keep his slock, and I knew I could take his word; my motive was that we at some time could get control of the road, or that I could get control of it.

Q. Did you say that you wanted to get control of the road? A. Well, I might have said to him that the road was in a very bad way, and so forth.

Q. Did you and the Commodore have any conversation about getting control of the road? A. Nothing more than I have told you.

Q. In your conversation with him was the subject of your getting control of the road alluded to in any way? A. I don't know that it was alluded to.

Q. Did or did you not say what your object was in getting control of 100,000 shares of stock? A. I don't know that I said anything more than I have stated; I don't think I did.

Q. How many interviews did you have with the Commodore about the negotiation? A. None whatever but the one about buying the stock.

Q. Did you be ver have any other interview with

Q. Did you ever have any other interviews with nim about the litigations of the Eric company:

Yes. Lee the similar incommodore got out these checks? A. I don't know anything about that; he never got any checks while I was there; I know that; I resigned and got out of the road.

Q. Did you resign that be might get the checks?

A. No; there was no such thing shought of with me then; I made up my mind to get out of that concern if I could; I proposed to resign and I paid a large amount of money to get out of the—to get a release; after I resigned and got out of the concern all this other matter took place.

Q. Your resignation had nothing to do with the sale of that stock? A. Not at all, in any way or

consent to hold the other stock he had, and I muserstood him to say ne would, and I bought the stock on that condition.

Q. Did not you fix upon any price? A. Yes, the price was I agreed to pay him \$4,000,000 for \$0,000 shares of stock on those conditions.

Q. On what conditions? A. Well, that he was to hold his other stock.

Q. Hold it for what? A. That was a matter between him and me. (Langhter in court.)

Q. About what was the contract between you? A. Well, the contract was that he was to hold his stock and I was to pay him for the \$0,000 shares.

Q. How much were you to pay him for it? A. \$4,000,000. I have just stated.

Q. What about the other stock? A. He was to hold it: that was the understanding.

Q. For whom and for how long? A. That was a matter between himself and me. (Loud laughter.)

Q. Do you mean you agreed in that way? A. Yes.

Q. You said, "You and I, Commodore, with hold in the stock as long as you and I agree?" A. Yes.

(More laughter.)

Q. You did not pay him anything for that, did you? A. No, but I paid him a good price for his other stock.

sold that stock to? A. Yes, he did; he told me he sold it to Gould and Eldridge.

Q. Was anything said about the bonds of the Boston, Hartford and Erie road? A. No.

Q. Had you ever anything to do with a negotiation for the sale of these bonds with the Commodore or with Eldridge? A. No. I never had.

Q. Were you at the meeting at the board on the 10th of July? A. Yes.

Q. Were you at the meeting at which two members resigned, and Banker and Scheil were elected in their places? A. That was not the 10th, I think; I resigned on the 10th.

Q. Can you state whether at that meeting of the Board there was any resolution passed in respect to this purchase? A. Not a word; I merely went in and the Board organized; my counse; told me to go in hand in my resignation; I offered it, they accepted it and I left the Board; what was done after I don't know.

epted it and richting Board; than the continuous and part in the settlement of the littrations on the 2d of July f. A. I knew nothing about he settlement being made; the list of July Mr. Sidridge sent a note to me that they were going to tettle the litigations; I was sent for to come to Judge Pierrepont's house.

settle the litigations; I was sent for to come to Judge Pierrepont's house.

Q. Were you there? A. Yes.
Q. Was the settlement effected at that time? (Objected to and overruled.)
Q. You were at Judge Pierrepont's house on that evening? A. Yes; I am sure that was the 2d of July; that was the time the settlement took place.
Q. Was there anybody there who represented the Commodore? A. No; not that I know of.
Q. Was there anybody there who claimed to represent him? A. No.
The cross-examination of Mr. Drew was reserved until a further stage of the case.
James H. Banker, examined by Mr. Field—Q. Were you at any time elected director of the Erie Railway Company? A. I received notice of my election.
Q. Whon was that? A. In 1886, in the summer, I think.
Q. Previous to receiving the notice of your elec-

Q. How much other stock was he to hold? A. Fifty thousand shares.
Q. For how long a time? A. I don't know that there was any exact time stated; I will tell you the whole transaction if you wish it.
Q. Well, yes; that is what we want. Go on and state it. A. Mr. Ediridge had been suspended from the board as director and as president and I made up my mind to go and buy up the Commodore's stock and, perhaps, some time-or other to get control of the Eric Hallroad and get those people out of it that were in it; that was why I went and bought that stock; they were in a quarrel then and I made up my mind to buy thus stock while he would hold the other.
Q. You, then, got from him an agreement to hold

think.

Q. Previous to receiving the notice of your election had you had any conversation on the subject with any person? A. Mr. Eidridge.

Q. Anybody else? A. No. I mentioned it after to other parties, but the first knowledge? I had of it came from Eidridge.

Q. How long before you were elected? A. I don't know when I was elected; paid no attention to it.

Q. You never served? A. No. I was never qualified.

Q. Previous to your election had you any conversation with Vanderbilt about Erie litigations? A. No.

Q. Did you not once call at his house, and was not one of the complaints read over to Vanderbilt by Mr. Sapalio in your presence? A. The previous litigaone of the complaints read over to Vanderbilt by Mr. Rapailo in your presence? A. The previous litigation; yes.

Q. Were you present at Vanderbilt's house when the complaint was read over by Mr. Rapailo? A. Yes; I recollect I called in there casually on a Sun-

lay.

Do you know whether that suit was in the name of Mr. Frank Work? A. I have no general recotlection: I remember hearing read some portion

name of Mr. Frank Work? A. I have no general recottection; I remembet hearing read some portion of testimony.

Q. Tell us whether what was said related to the affairs of the Eric Company? A. Have no particular recollection of it; they did not talk before me; after I was elected director I told Mr. Vanderbilt I did not think I could serve unless he wished me to; I was on the Executive Committee of his road and I did not wish to do anything without consulting him.

Mr. Rapalio asked the Court to direct the plainting to produce their minute book, stock ledgers and all books showing the issue and transfer of their steck, and also the books of the treasurer and the check books of the company.

After some opposition from Mr. Field the Court so ordered and an adjournment was had until half-past ten o'clock this morning.

#### THE WINNEPEC RESELLION.

Arrangements for a Council of the Insurgents to Determine Their Future Action. TORONTO, Ontario, Nov. 29, 1869. A special despatch from St. Paul says:-

A letter from Pembina, received on Saturday night, states that the insurgents are arranging to hold a Council of Refresentatives from the different districts, to consider the state of the country and to determine as to their future action. Governor McTavish is very low. Governor McDavish is very low.

Q. Did you have any talk with him when you saw him? A. He always told me that I did wrong in going there.

Q. What did you tell him? A. I don't remember.

Q. Did not you talk about the litigations with him? A. No, sir.

Q. Not at all? A. No.

Q. You never talked about the reason of your going to Jersey City? A. No. He knew, and everybody knew why I went there. (Laughter.) You advised me yourself, Mr. Fleid, not to go over there. (Henewed laughter.)

Q. Never mind that advice now; that is not competent in this case. Did you have any conversation with him about the cause of your going to New Jersey? A. I told him this—that I had gone there, and that I did not know I was placed in a very awkward position. The whole railroad interests of the country had arrayed themselves on one side, and I was on one side and he on the other, and that I should remain there.

Q. But nothing was said about getting rid of these litigations? A. Not between him and me, for he never would talk about a litigation.

Q. But you spoke of it? A. I don't know that I spoke about it. Sketch of the Career of the Red River Com

Sketch of the Career of the Red River Commander.

[Correspondence of the St. Paul Dispatch.]

I think that some wrong information has been given in regard to Louis Rielle, who is now the commander-in-chief of the revolutionary force in the Red river. On Monday evening the Dispatch expresses itself about him as follows:—

Louis Rielle was a year or two ago a resident of St. Paul and a clerk in Langariu's grocery store. He is stall, well formed man, but of no particular mental ability and his friends and acquantiances here will be rather assionished to learn the position be holds in the new war.

As I am acquainted with the gentleman I am not at all surprised, for my part, to learn the position he holds in that movement; for I consider him, and he is considered by all those who can appreciate him, not only as a tall, well formed man, but as a man of strong mental ability, thoroughly educated for his age, and possessing high aspirations, though not exceeding the limits of his talents.

Louis Rielle is a young man about twenty-four years of age, was born at Red river, from poor, but respectable parents, and is of pure French origin. Thirteen years ago his education was placed under the care of a bishop, who sent him to the best classical college im Montreal—that same college where General Dix, of the United States, and several other great scholars have been educated.

He remained there nine years as a student, and

where centers like, of the United States, and several other great scholars have been educated.

He remained there nine years as a student, and displayed such talent and obtained such success in literature that his professors and protectors wanted him to enter their community. But Louis Rielle, as a well formed man, did not want to take a robe without a woman, and though willing to remain forever the religious subject of their spiritual order, decided against their will to study the law and enter

without a woman, and though willing to remain forever the religious subject of their spiritual order, decided against their will to study the law and enter the French literary career.

After his decision no more protection was offered him; and, with the strength of his character following the path prepared for him by Providence, resisted the empire of their despotism and preferred misery to their despotism. From that time he had to struggle for his living; he was left without any resources whatever, and, on account of the interruption of his stadies, was unable to live in Canada. He came to Minnesota about three years ago, and remained alternately in St. Paul and St. Anthony during two years. He got situations as clerk in grocery stores, but, of course, was disappointed. Commerce was not his favorite branch, but yet he would have practised it if he could have got any hope to raise in a short time money enough to allow him to study as a lawyer. His disappointment cansed his return to Redriver, where he thought he could sooner get the means of following the course of his desires. Such was the fatality of the circumstances. I don't know if Mr. L. Rielle possesses any military or political genius. Should he fail or not in this career I would consider him too able for being at the head of a body of half breeds who are hardly semi-civilized.

As a writer and speaker in the French language he cannot easily be surpassed by any man of his age. To that point of view his mind is always reasoning and reasonable, and L. Rielle would undoubtedly become a first class lawyer. That he could not do without having a strong mental ability.

## PEGILISM.

Tom Allen's Reply to McCoole's Challenge.

[From the St. Louis Evening Tribune, Nov. 26.]

St. Louis, Nov. 26.]

It with means the content of the offers of part of the manner. If he desired to make a strictly private manner. If he desired to make a match with me without any newspaper notices, he match with me without any newspaper notices, he match with me without any newspaper notices, he could have gone to Billy Carroll's and made a deposit with that gentleman. I will fight him in ten days—a part of his proposal—for \$500 or \$1,000 a side, fity miles from Chenmati, the winner to take stakes and excursion money both. So far as the loss which I have suffered a greater loss, having trained for fully six months during the past year for five fights—four of which came off. I deny that McCoole is or ever was champion. The sporting papers or people of the East could never see how he came by the title.

of the East could never see how he came up the title.

If McCoole enters into a match to fight for the sum and on the terms mentioned by me, I am confident the "mill" will come off. If the last match had been made for a less amount of money, so as to preclude too much speculation by outside but financially interested parties, we would have had the fight out near Cincinnat. I will not fight any person within 300 miles of St. Louis. Mr. McCoole drew his portion of the stake money on the late Rasco, unknown to me, when it was a special agreement between he and I, before we left Cincinnati, that we should both meet at Thorwegan's billiard hall and try to make up another match before either took a cent.

If McCoole accepts my proposition, I am ready to fight. If not, then I will fight any man in the United States, for any amount of money, within fifty miles States, for any amount of money, within fifty miles from Detroit, Mich.

TOM ALLEN.

in California. SAN FRANCISCO, Nov. 28, 1869. Joe Coburn challenges Tom Alien to fight him for \$10,000, or not less than \$2,500. He would pay Allen's travelling expenses to California.

## THE GALLER-WEDEKIND MYSTERY.

The Great Blackmailing and Alleged Pel ing Case—Double Investigation of the Cas Before Judge Hogan and Coroner Schirmer-Judge Hogan Laying Down the Law-

the Coroner's office that occupied only a few minutes, the examination was resumed before Judge Hogan, at the Tombs, in the case of Dr. Wedekind, on the charge of "blackmailing" Mrs. Galler. The parties officerued in this case arrived at the Court about

The Judge asked Mr. Meyer, counsel for the prisoner, if he intended to call any witnesses. Mr. Meyer.—Yes, I have some seven or eight witnesses who will give evidence of the good character and professional ability of my client.

Mr. Kintzing—I presume that that is a kind of evidence that will be admissible on a trial before a jury but is not admissible here before your Honer. I am in a position to prove, if the professional ability of the prisoner is gone into, that he is a first rate hather.

rate barber.

Mr. Meyer—It is ruin to my client to be discharged to him. I have a number of witnesses who will tes

tify to his medical skill.

The Judge—All evidence as to character

tainly inadmissible to this inquiry.

Mr. Meyer—If your Honor refuses this motion,
may I ask upon what statute my client is held here? I have certainly been unable to find any statute by which he can be held. I have spent two days looking through the law, but I cannot find anything that will justify this court or any other court in holding

him upon the evidence now offered.

Mr. Kintzing—I suppose it is no part of the duty
of your Honor to instruct counsel as to the law.

Mr. Meyer—I claim that I have a right to ask the Judge to point out the law under which he holds my client. I have no witnesses to call; I want to have

the law pointed out to me.

Mr. Kintzing—Well, do you close the case and leave it with the Judget I presume if your Honor commits in this case you will send the papers to the District Attorney, and he will send the case to the Grand Jury.

Mr. Meyer-If I understand the case the Judge sits here to ascertain if any crime has been committed; that is the whole object of this examination. I must ask your Honor to show me the statute upon which

you are about to proceed.

The Judge—It is no trouble for me to give you the The Judge—It is no trouble for me to give you the statute. I will do so, certainly; it may be necessary for you counsel for me to do so, to give you the information as to the testimony to be produced here, and I will try to do it. This is the statute:—Title 6, part 4, chap. 1, Misdemeanors, sec. 690, par. 2, page 112—"Every person who shall either verbally, of by written or printed communication, threaten to seeing another of any offence with intent thereby to extort any property, or any pecuniary benefit what-ever, shall, upon conviction, be adjudged guilty of extortion, the punishment for which is hereinafter prescribed." Judge Hogan also referred to the fol-lowing statute:—Art. 5, page 56, par. 698, which reads

Every person who shall be convicted of feloni-ously taking the personal property of another, in his presence or from his person, which shall have been delivered or suffered to have been taken through fear of some injury to his person or property or to the person of any relative or any member of his family, thereupon to be implicated at some different time, which fear shall have been produced by the threats of the person receiving or taking such pro-perty, shall be adjudged guilty of robbery in the second degree.

As it was nearly twalve claims to the con-

As it was nearly twelve o'clock the Court adourned the further examination until two o'clock when all parties concerned were ordered to be

At the adjournment, before the case was further gone into, Mr. District Attorney Blunt addressed the Court, and said that a report had reached him from that court that it had been said that some one had paid a visit a few days ago to the office of the District Attorney in reference to the base of the man now on his trial, and that Mr. Blunt had said that he was unable to find any law by which this man could be held. He did not appear there to give the law, neither did he profess to have any superior legal knowledge; but he did appear there to explain that which had taken place at his office. He had been watted upon by Mr. Otto Meyer, who appeared as counsel for the defence, and was asked by him to show to him any law by which this man could be held. Not wishing to trust to his memory he had referred to the revised statutes and showed him that the offence with which Wedskind was charged was robberly in the second degree, and that the punishment was a State Prison offence and was punishable by a three years' imprisonment. If the offence was a Penitentiary one then the punishment would be of a lesser degree. He told Mr. Meyer he was unable to give any other definition of the law than that.

Mr. Meyer he was unable to give any other definition of the law than that.

Mr. Meyer said that what Mr. Blunt had said was perfectly correct and was a statement of what had actually taken place.

Mr. Blunt stated that Mr. Meyer had said to him that he thought the bail was too low.

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Mr. Blunt stated that Im. Meyer had said to him that he had nought this duty to make that explanation, and thanked his Honor for the attention he had been kind enough to give him.

Mr. Meyer then called the following witness:—

Mr. Antonio Milisbach—I live at No. 83 Mercer street; I keep a restaurant; I have known the accused, Dr. Wedekind, nearly two years; I had a conversation with him in

cused, Dr. Wedekind, nearly two years; I had a conversation with him in relation to certain matters with Mrs. Galier and the prisoner; I cannot recollect the time, but it was last year; Wedekind said to me, "They are bad people here; there came a woman to me who asked me for poison for her husband; sue can't live any longer with him; she offered me \$100 If I would give her a prescription for poison; I told her I wouldn't do it for thousands of dollars;" that was all he said; he did not mention the name of the woman; I had another conversation with prisoner three weeks ago; he told me that the husband of that woman who had asked for poison had died; he had suspicions that she might have done it, and that he had died at the house where the woman a short time ago asked for poison; Wedekind said "He died very suspiciously, and he might have been poisoned;" Wedekind said he would write a letter to her that he might have more explanation about it; the next day prisoner came to witness again; Mrs. Galier had seen him, he said, and Mrs. Galier said to Wedekind, "Doctor, don't make me unhappy; I'li give you \$100 to be silent;" Dr. Wedekind then said to witness he would not be bought off for any money; on the Saturday morning afterwards he came to my house at half-past seven o'clock; I was in bed at the time; he showed me a \$1,000 bill, and he said to me. "Now, I have here evidence that something must be in this matter;" he asked where the office of Dr. Schirmer's office was; the prisoner then left me and told me he was grong to the office of Dr. Schirmer, he did not say where eise he was going to.

Examined by Mr. Kintzing. The same day that he was arrested pr. Wedekind's wife came to me and told me he was arrested; there was nobody there but ourselves when this conversation occurred; I told nobody; the second day after Dr. Wedekind was arrested is poke to Mr. Wirtzburger; I have kept the restaurant three years; I was a shoemaker before this; I never was arrested; there was nobody there but one so the Fiday are stated t

to Mrs. Galler's house; the prisoner had not told him that he did go to Mrs. Gailer instead of Dr. Schirmer.

The evidence of this witness was concluded, and Mr. Meyer asked for an adjournment until the following morning, in order that Goroner Schirmer might be examined to anow that the Coroner tried to persuade Wedekind to take back the \$1,000 and keep it, and that Wedekind would not do that, but wished the Coroner to keep it.

Mr. Kintzing said they were quite willing to admit all that on the part of the prosecution, and even if it were proved formally he was at a loss to know what possible bearing it could have on this case.

The Judge, addressing Mr. Meyer—Whea Coroner Schirmer was here you had an opportunity of doing all that you now wish. You then waved your right to examine him. There have been a good many days since then and no effort made to get Coroner Schirmer here. This morning you said you should only call one witness, and that was to be Mr. Millebach; now you want the case adjourned for Coroner Schirmer. As far as I am concerned, I know all about the offer of this \$1,000 bill, for I saw the transaction myself, and I can assure you his evidence in that regard will not alter the case one way or the other.

Mr. Meyer—That may be so, and is so, I have no

that regard will not alter the case one way or the other.

Mr. Meyer—That may be so, and is so, I have no doubt; but your Honor will recoilect that public opinion is an important matter as to this man's inture prospects.

The Judge—We are not atting here, counsel, to manufacture public opinion enter for or against the case, If I think there is evidence enough to hold the man I shall hold him. I never had so much

trouble in the finishing up of a case as I have had with you, counsel. I will adjourn the case until Wednesday at two o'clock. That will give Coroner Schirmer an opportunity to be here, and the case must then be closed.

must then be closed.

PROGREDINGS SEPORE THE CORONER.

Quite a crowd of persons gathered at the Coroner's office, City field, yesterday morning to witness the proceedings before Coroner Schirmer in the case of Michael Galler, concerning whose suspicious death so much has been said within the last two or three weeks. Among those present was Mrs. Galler, attired in deep mourning, accompanied by a female-friend, who watched the examination with deep interest.

weeks Among those present was Mrs. Galler, stitred in deep morning, accompanied by a female friend, who watched the examination with deep interest.

Dr. August Wedekind, who stands charged with extorting \$1,000 from Mrs. Galler, was brought before the Coroner and the jury, and being sworn through an interpretor, deposed that the affidavit he made before Coroner Schirmer (printed in Sunday's Hesald) was true.

Mr. Kintzing, counsel for Mrs. Galler, then asked that, in justice to his clean, he be permitted to ask Dr. Wedekind a few questions, which was granted by the Coroner.

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Mr. Wedekind a few questions, which was granted by the Coroner.

Mr. Wedekind asid that it was in January or February last when Mrs. Galler called at his office and saked for poison with which to kill her husband; at this time the witness was not a friend of Mr. Galler, not having seen him but once.

The witness said that when he refused to give the poison to Mrs. Galler he did not inform her husband as ne was fearful they might have him arrested, and so kept the matter secret; did not see Mrs. Galler, in which the witness said he understood her husband had died under suspicious circumstances, and suspected her, from the fact that she had applied to him for poison; mentioned the matter only to my wife and another friend in confidence; she offered me her life-insurance policy, but I did not take it, as I might be charged with stealing it; I did not have anybody present at the office when I wrote her to call and see me, as I thought she would not like it, and it would interiore with my purpose; I took the \$1,000 bill as a matter of proof against Mrs. Galler; after getting the money if went and told Coroner Schirmer, but before going told Mrs. Galler what I intended doing after taking the money and giving a receipt for it Mr. Thomas, brother-in-law of Mrs. Galler, said—"Now you have done with this woman but you have not done with me;" did not want Mrs. Galler to him.

Dr. Wedekin

him.

Dr. Wedekind was then recommitted to the Tombs, and Coroner Schirmer announced to the jury that they would indefinitely adjourn the further investigation of the case to await the result of the analysis entrusted to Professor Doremus as heretofore stated.

#### LIFE OF A MILLIONNAIRE MISER.

Lyman Allyn the Eccles of America-His Early

The death of an old gentleman named Lyman Allyz at Taylor's Hotel, Jersey City, whose reputation for avarice and economy of living recalls the stories of Dancer and Eccles, the millionnaire misers of England in the last century, deserves a word or two of notice as bearing on the life and fortunes of one of those singular beings who, without any financial ability and almost ridiculous honesty of dealing, succeed by a lifetime of presistent grabbing and self-abnegation in amassing fabulous fortunes. Allyn died worth nearly two millions of property. He was an exaggerated specimen of the lower grade of moneyseeking natives of Connecti cut. He could pass through the cold and gloom of winter without a fire, when to do so was economy of cash, and he could live for forty years on nothin All this self-denial was done to make money; but the ability to increase his store of capital was of the most limited kind. He invested in real estate; but would never seil, in fear that some hidden claims on the property would be presented him for settlement. He allowed splendid property to pass into the hands of the Sherifi for public sale rather than pay the taxes thereon. He was at once sharp and short-sighted, passionately fond of money and honest to a

taxes thereon. He was at once sharp and shortsighted, passionately fond of money and honest to a
degree calculated to provoke a smile. He achieved
the purpose of his life—the mere accumulation of
gain—but no page in his existence is illumined
by a single act of human gaperosity. His heart
and soul and the functions of his being
were petrified by mammon. His example is
none we should care to see imitated. Were all men
of wealth like Lyman Allyn the world would stand
still, the fountains of charity and cenevolence
would dry up, the resources and greatness of a
country such as this would remain in abeyance and
human nature would no longer be the god-impressed
element of life which it is. Lyman Allyn will have
few discibles. The means which he amassed and
hid away in two old trunks might have given
employment to a thousand hands and made a thousand homes nappy. Only in the employment of
money for the general good can it ever be said to
confer a blessing; in the hoading of it is is little less
than a curse to the possessor.

The following facts of Allyn's antecedents and
early life are interesting from their exactness and
verification:—

Captain Israel Allyn, a sea captain, lived and died
at Allyn's Point, tying on the east side of the Thames
river, between New London and Norwich, in New
London county. State of Connecuent, He died about
fifty years ago, leaving four children, viz.:—Lyman,
Caristopher, Henry P. and one daughter, who married a Mr. Brown has children now
living in New London, Conn. Henry P. Allyn, the
youngest son, settled in the western part of Connecticut, and was a man of considerable wealth.
Captain Christopher Allyn has made several voyages
out of the port of New London. He now lives on the
soil where he and Lyman went to school together
when boys. He is worth about \$40,000. Lyman
Allyn, the subject of this notice, when a boy
went to New London into the grocery store
of Joseph Manier, on Water street. He, being a very
honest boy, left, went home, telling his father the
could not remain at cheats and profits in favor of the owner. His father then got him as a clerk in a flour and lumber store on Water street. He remained until twenty-one years old, his father taking his earnings; he had nothing. Mr. Ezra Chappeli saw he was a fathful, nonest young man and lent him \$1,000, taking his own note. He went into business on the corner of Bank and State street, east side, where he remained until the year 1827, closed up his accounts, paid his note and had \$1.000 over, and then started for New York city. When Lyman was in business in New London he slept in his store, taking two meals each day at what was then called the Merchantis? Coffee House, kept by Mr. David Funk, who left sons that have been successful whalling merchants. Lyman was frugal in his habits; his breakfast consisted of coffee and bread; at night he always eat bread and milk or some light food. He lived so from a boy to the ripe old age of seventy-two years. He never used ardent spiris, was one of the fathers of temperance, was a member of the old Presbyterian church and a reacher in the Sunday school: he was strictly honest in all his dealings, never would allow himself to owe anything; expended no money but that for which he had full value received; he did military duty in an independent company, was one of the finest girls in New London. Sie, however, refused him. Mr. Allyn then left for New York, and opened suminission officers, and wore a handsome uniform at his own expense. Like many others, he fell in love; his choice was one of the finest girls in New London. Sie, however, refused him. Mr. Allyn then left for New York, and opened sumplying business, slept in his office, and kept but little fire during the winter. When he found any real estate for sale in either of the cities of New York, Brooklyn or Jersey City he was always ready with his unoney to purchase. He never sold for fear that a warrantee deed would come back upon him. He purchased thousands of gollars worth of real estate is a auction which the collector sold to pay taxe

#### ASSASSINATION RY A RIVAL. A Bucks County (Pa.) Tragedy.

A Backs County (Pa.) Tragedy.

[Richboro, Pa. (Nov. 25), correspondence Philadelphia Inquirer.]

A young man named Bennect was murdered in a premeditated and cowardly manner at this place, last evening, by one May, a Sutherner, but who has lived in this vicinity and worked as a farm laborer for some time past. The deceased and his assassin were suitors for the hand of the same woman, and had quarrelled on more than one occasion. Yesterday May sharpened a knife that he was in the habit of carrying, and informed his employer that it he had words with Bennett again it would be for the last time. The murderer met his rival here last evening, the attraction at this place being a ball.

A quarrel soon ensued between the men, with a challenge to fight from May. This was promptly accepted, and Bennett soon proved himself the stronger. Finding himself worsted, May pleaded drunkenness and asked his rival if he would take advantage of an intoxicated man. Bennett said no, released his antagonist, waited a few siees from him, and while stooping to pick up his coat, of which he had divested himself previous to the encounter, May came up behind him and stabbed him twice with the knife that he had prepared yesterday. Bennett tell dead almost instantly. The nurderer was at once apprehended by the bystanders and sent to Doylestown, where he is now lodged in jail.

### A PREE TRADE PARTY HOVEMENT.

ST. LOUIS. Nov. 26, 1860 On the morning of the 23d of October a distin-guished gentieman from Obio, well known through-out the country, arrived in this city and became the guest of a very wealthy citizen. Early in the even-ing of that day it was apparent to residents in the

deposited its precious bank stock or political freight and departed. The curtain closed on the scene, so far as the outside world was concerned, and to the denizens that lingered in the streets, stient and in-terested spectators, the rest of the play was a mystery. But within the spacious mansion was enacted a rôte that will be felt hereafter from the centre to

a rôle that will be felt hereafter from the centre to the circumference of the political world, and may possibly revolutionize the two great parties that now contend for supremacy in the land.

In simple words the gathering meant this:—The gentieman from Ohlo was a noted politician, a republican and an advocate of free trade. He had come to St. Louis to effect two things:—First, to organize a free trade league, composed of both republicans and democrate; and, second, to advance the interests of Chief Justice Chase as a candidate for the Presidency in 1872. To accomplish something looking to Mr. Chase's nomination he proposed that the gentlemen present should so direct public opinion in St. Louis as to look upon present political issues as of little worth and concentrate the strength of both parties fully upon the great question of iree trade.

opinion in St. Louis as to look upon present political issues as of little worth and concentrate the strength of both parties fully upon the great question of free trade.

To effect this, he argued, both parties must be willing to sacrifice something. The republican party in the North was committed to protection; but the republicans of the West and Northwest, as well as in the South, were favorable to free trade. The democratic party was a free trade party. The democratic party was a free trade oantidate. The Tribune and influential republicans would insist in the next canvass on a protective tariff candidate and platform. Republican free traders would support no such candidate or platform. Would they support Pendieton, or Hoffman or Seymour? No; they would support no candidate who was not in full sympathy with the Union in its struggles against the rebellion. Would the democrate support Chase? Yes; they would have nominated him as New York over Seymour but for treachery; and his recent estimated the party of the support of the republican party will support protection, Horday will sup

bies and a projective tariff candidate for the Presidency.

The above is the sum and substance of what was said at the meeting in St. Louis. Read the St. Louis papers, and you will see that every one of them is paving the way to such a consummation in that city. To gradually advance Mr. Chase's interest the Democrat is continually striving to ingratiate itself into the good graces of the democrats of Missouri by urging a removal of the political disabilities imposed by the Missouri constitution on all who sympathized with rebellion and treason.

It was further stated at the St. Louis gathering that prominent republicans and democrats were commit-

It was further stated at the St. Louis gathering that prominent republicans and democrats were committed to the movement in Cincinnati, Chicago, Cieveland, New York, Philadelphia, and, in fact, in every large city in the Union. It was even intimated that the New York copperhead organ was committed to the movement; but that point was considered doubtful. In conclusion, I would say that this fact is patent—Mr. Chase is to-day the strongest states man in the country and free trade is the lavorite hobby. Put Mr. Chase on that hobby and he will ride into the White House in 1872, and Useless Grant will retire into obscurity.

## PERSONAL MOVEMENTS.

ington.

England contains about twenty-six princesses of

The youngest minister in the new Italian Cabinet Dr. Livingstone is to be knighted for having found

the royal blood.

himself after being so long lost. The Marquis of Bute is to build cathedral at Oxford, at his own expense.

North Carolina has an orator only nine years old. Both political parties are negotiating with him.

Jefferson Davis is now said to contemplate writing

book showing his connection with the rebellion.

Mrs. Elizabeth Peebles has been elected Clerk of House of Representatives in Washington Territory.

Portland has a lawyer ninety-one years old, who

makes out his own writs, and last week argued a his father as keeper of the Longstone Island light,

Three advanced females, Mrs. Walker, Mrs. cal lectures at Indianapolis.

Va., is said to have given away in charity all his earnings during twenty years, amounting to half a million dollars.

The number of guests invited by the Vicercy of Egypt to the opening of the Suez Canal amounted to no less than 28,000, of which 3,000 were Europeans and the rest Orientals.

no less than 28,000, of which 3,000 were Europeans and the rest Orientals.

A "young and pretty lady, arrayed in black," is visiting the concert saloons in New Oriens for the purpose of reforming the visitors thereto. She exhorts and sings hymns,

John Pasco Fawkner, the founder of the colony of Victoria, Van Dieman's Land, also of the first newspaper there, died in Australia in September last, at the age of seventy-sevea years.

The new Lord Mayor of London (Alderman Besiey) is a printer. Born in 1800, he served as an apprentice in his father's printing office, and at twenty years of age joined a firm of type founders in London.

Ex-Minister Harvey, whose salary while in Portugal was abolished by Congress, has had it readjusted at the Treasury Department, in accordance with the proviso in the last appropriation bill. It gives him \$21,500 in gold.

It is given out that Miss Romaine Goddard, step-

with the proviso in the last appropriation bill. It gives him \$21,500 in gold.

It is given out that Miss Romaine Goddard, stepdaughter of Admiral Dahigren, is shortly to be led to the hymeneal altar by Mr. Overbeek, Austrian Consul at Hong Kong, and that the bridal trip will be to that far away place, via Europe.

Henry Richards, a member of the English Parliament and Secretary of the London Peace Society, is making the round of the Enropean governments in order to induce a general disarmament. He is at present conferring with the German Diet at Berlim. Some weeks ago the Emperor of Russia, in a fit of hypochondrasis refused food for three anys, and serious apprehensions were felt that his disease would pass into insanity. Similar attacks are said to have occurred at various times during the last few years. The twenty-five students of "journalism" to be admitted to General Lee's college are to be nominated by typographical unions and editorial recommendanom. The twenty-five select their own studies and are under no expense except for board. Five nominations have been confirmed.

FAILURE OF A LOUISVILLE TORACCO FIRM.—Considerable excitement was created in financial and commercial circles yesterday by the announcement that the firm of A. L. & G. Robinson, wholesale tobacco dealers, Main street, between Fourth and Fifth, had suspended payment. The announcement created a general feeting of regret, as the firm is composed of young men of energy and enterprise and fair business qualifications. They have been doing a large business during the past season, but owing to the stringency of the money market and their failure to make collections they became involved and were compelled to suspend. Their liabilities amount to about \$175,000, and the available assets will probably amount to more than the above sum. It is thought that the suspension is only temporary and that they will be able to faily satisfy their creditors and resume business. A full flatement of their liabilities and assets will be given to the public as soon as it can be prepared.—Louisvilla Courter-Journal, Nov. 27.